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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,576	08/26/2003	Arthur E. Robinson	412479	4099

30955 7590 04/05/2006

LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

EXAMINER

NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,576	ROBINSON, ARTHUR E.	
	Examiner	Art Unit	
	Tuan H. Nguyen	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 09/22/2003 has been considered by Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al. (US PAT. 6,785,539 hereinafter, "Hale") in view of Jannard, Jr. et al. (U.S PUB. 2005/0201585 hereinafter, "Jannard").

Regarding claim 1, Hale discloses a portable audio system comprising: a single personal, portable electronic audio entertainment device (col. 2 lines 47-62); a plurality of wearable speakers being worn by a plurality of individuals (col. 5 lines 17-32); a power supply connected to aid speakers and being worn by each said individual (col. 2 lines 47-62); and a receiving the transmitted audio attached to wearable speakers (col.

2 lines 47-62). Hale differs from the claimed invention in not specifically teaching a simultaneously transmitting audio from entertainment device to wearable speakers. However, Jannard teaches a simultaneously transmitting audio from entertainment device to wearable speakers (pages 20 and 21 [0268]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hale for a simultaneously transmitting audio from entertainment device to wearable speakers, as per teaching of Jannard, because it enhances the transceiver can be configured to operate in a full duplex mode in which simultaneous of audio signals are received and transmitted to the speakers and simultaneously audio signals from the microphone are transmitted through the antenna to a cooperating wireless device.

Regarding claim 2, Hale further discloses the transmission of audio from entertainment device to wearable speakers is by wireless transmission (col. 2 lines 24-34).

Regarding claim 3, Hale discloses a portable audio system comprising: a single personal, portable electronic audio communication device (col. 2 lines 47-62); a plurality of wearable speakers being worn by a plurality of individuals (col. 5 lines 17-32); a microphone and transmitter being worn by each individual (col. 2 lines 47-62); a power supply connected to speakers, microphone, and transmitter and also being worn by each individual (col. 2 lines 47-62); a receiving the transmitted audio attached to

wearable speakers (col. 2 lines 47-62); a transmitting audio from individuals to communication device (col. 2 lines 24-34); and a receiving audio from individuals by communication device (col. 3 lines 41-48). Hale differs from the claimed invention in not specifically teaching a simultaneously transmitting audio from communication device to wearable speakers. However, Jannard teaches a simultaneously transmitting audio from communication device to wearable speakers (pages 20 and 21 [0268]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hale for a simultaneously transmitting audio from communication device to wearable speakers, as per teaching of Jannard, because it enhances the transceiver can be configured to operate in a full duplex mode in which simultaneous of audio signals are received and transmitted to the speakers and simultaneously audio signals from the microphone are transmitted through the antenna to a cooperating wireless device.

Regarding claim 4, Hale further discloses the transmission of audio from communication device to wearable speakers and from individuals to communication device is by wireless transmission (col. 2 lines 24-34).

Conclusion

4. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618


NAY MAUNG
SUPERVISORY PATENT EXAMINER